

2007 APR 10 PM 4: 59

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Bicek et al. Examiner: Nguyen, VI X.
Serial No.: 09/974,653 Group Art Unit: 3734
Confirmation No.: 9912 Docket: 760-49 RCE
Filed: October 10, 2001 Dated: April 3, 2007
For: STENT DESIGN WITH SHEATH ATTACHMENT MEMBERS

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on April 3, 2007*

Signature: _____

Judith Post
Judith Post

REQUEST FOR REFUND

Sir:

Pursuant to 37 C.F.R. §1.26, Applicants request a refund of \$900.00 which Applicants believe was improperly charged to Deposit Account No. 08-2461 with respect to the above-identified application. The basis for this request is set forth below.

On February 16, 2007, Applicants filed an extension of time for one month to file a Notice of Appeal with the United States Patent and Trademark Office. On February 22, 2007, our deposit account was properly charged \$500.00 for a Notice of Appeal and \$120.00 for an extension of time of one month (Exhibit, Page 7).

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However, on March 7, 2007, the United States Patent and Trademark Office reversed the fee for the extension for response within the first month (\$120.00) and then charged our deposit account \$450.00 for an extension for response within second month and \$1,020.00 for extension for response within third month (Exhibit, Page 3).

We then received a credit from the United States Patent and Trademark Office of \$120.00 for extension for response within the first month and \$450.00 for extension for response within the second month (Exhibit, Page 4).

The Applicants are due \$900.00 refund and only one month extension of time is proper. The reasoning is as follows: As Applicants stated in the Petition for Extension of Time dated February 16, 2006, the Patent Office issued a final Office Action on September 13, 2006. In response, the Applicants promptly filed a first reply within TWO MONTHS of the mailing date and the Examiner did not issue an Advisory Action until January 16, 2007, after the end of the THREE MONTH shortened statutory period. Thus, Applicants have calculated the extension fee of this Petition from the mailing date of the Advisory Action which would be a one month extension.

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Accordingly, our deposit account should only have been charged \$120.00 for an extension of time of one month and not the \$1,020.00 for an extension of time of three months that was charged.

Since \$1,020.00 minus \$120.00 is \$900.00, please refund the total amount of \$900.00, by crediting our Deposit Account No.: 08-2461 for the full amount.

Respectfully submitted,

A handwritten signature, likely of Darren Kang, is enclosed within an oval. The signature is stylized and appears to contain the letters 'DK'.

Darren Kang
Registration No: 51,859
Attorney for Applicant(s)

HOFFMANN & BARON, LLP
6900 Jericho Turnpike
Syosset, New York 11791
(973) 331-1700

Deposit Account Statement

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02/21 180 11707713	1421-210	1011	\$300.00	\$34,407.06
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Deposit Account Statement

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